

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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JAMES COOLEY, an individual, and  
MORGAN COOLEY, an individual,

Plaintiffs,

v.

ELIZABETH MARCUS, an individual,

Defendant.

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**DEFENDANT'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)**

***ORAL ARGUMENT REQUESTED***

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Elizabeth Marcus moves this Court to dismiss Plaintiffs' Complaint in its entirety, as set forth more fully in the concurrently filed Brief in Support of this Motion, for the reason that Plaintiffs have failed to state valid claims upon which relief can be granted. Also, for the reasons explained in her supporting Brief, Defendant asks for her costs and reasonable attorney fees incurred pursuant to 17 U.S.C. § 505. Pursuant to L.R. 7.1(d), Defendant sought Plaintiffs concurrence in this motion, which was not forthcoming.

Respectfully submitted,

Dated: February 22, 2023

/s/Thomas V. Hubbard  
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**CERTIFICATE OF SERVICE**

I certify that on February 22, 2023, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

Dated: February 22, 2023

/s/Thomas V. Hubbard

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